

PERSONNEL/ADMINISTRATIVE AFFAIRS COMMITTEE

MAY 4, 2000

---

---

A meeting of the Personnel/Administrative Affairs Committee was held on Thursday, May 4, 2000 at 7:00 p.m. in the Aldermanic Chamber.

Chair James R. Tollner presided.

Members of the Committee present: Alderman Robert A. Dion, Vice Chair  
Alderman-at-Large Fred Britton  
Alderman Stephen Lamos

Members not in Attendance: Alderman-at-Large David Rootovich

=====

INTERVIEWS

**MOTION BY ALDERMAN TOLLNER THAT THE RULES BE SO FAR SUSPENDED TO GO OUT OF ORDER TO INTERVIEW JOHN SCRUTON  
MOTION CARRIED**

Ethnic Awareness Committee

John Scruton (New Appointment)  
160 Meaderboro  
Rochester, NH 03867

Term to Expire: Indefinite

ON THE QUESTION

Alderman Tollner

Thank you for your willingness to serve on the Ethic Awareness Committee. Please introduce yourself, and take a moment to tell us why you have an interest in serving on this committee.

John Scruton, Director of Administrative Services

I have an interest in promoting the importance of diversity both within and outside government. Diversity is something from which we all can benefit. Not everyone thinks alike. Bringing in many different viewpoints and ideas can enhance the quality of our decisions. I think it is important to involve all sectors of our community, and that we need to carefully examine what steps need to take place in order to fully involve everyone within the city. One of my goals on this committee would be to encourage taking constructive steps to promote diversity within the government and within the community at large to see how valuable that is.

Alderman Britton

Have you attended any of the Ethic Awareness Committee meetings yet?

John Scruton

No I have not. I do plan to.

Alderman Britton

What are some of the changes that you would like to institute beyond what you just mentioned?

John Scruton

I think that is the most important change that I want to bring to the committee, that perception and relating it to the whole area of city government, particularly in Administrative Services where we are involved in the H.R. functions within the city. That right there is something that we have been discussing as to how we can make the employee pool more ethnically diverse, and to take advantage of the skills and the interest that people can bring to us from other backgrounds.

Alderman Britton

I had a chance to sit on that committee for two years, and I think there is a lot of potential. I'm glad that you have interest in it.

Chair, Tollner

Thank you John. We have a number of people to interview tonight for a number of positions. At the conclusion of that, we will vote. You will then be notified, and sworn in.

**MOTION BY ALDERMAN TOLLNER TO RETURN TO THE REGULAR ORDER OF BUSINESS  
MOTION CARRIED**

Cable Television Advisory Board

Maurice R. Parent (New Appointment)  
18 Raleigh Drive  
Nashua, NH 030602

Term to Expire: May 23, 2001

Chair Tollner

Please state your name and address for the record, and inform us of your interest in serving on the Cable and Television Advisory Board.

Maurice Parent, 18 Raleigh Drive, Nashua, NH

My specifics relating to television and radio communications in the city come from being involved for the last 40 or some odd years. Communication has been my business for most of my life, therefore, being on the Cable Television Advisory Board, and helping **Jim Glenday**, and others on the board today, I think will make us a little stronger. There are a lot of things happening right now in the cable business that a lot of people don't know about, which we will put forth for the city.

Alderman Tollner

You have been a fixture in Nashua for quite a number of years with the television show. I know that you will be a tremendous addition to the Cable and Television Advisory Board.

Tim Glenday, 7 Lucier Street

Mr. Chairman, I know that you do have a long list of candidates to interview tonight, but I can tell you this news. On behalf of the eight existing members of the cable board, I welcome Maurice with open arms. Maurice attended two meetings last year of the cable board, and helped us on a couple of critical issues even though he wasn't a member. We look forward to having him officially with us, voting, and being part of the organization. He will be a great asset, particularly with as much change that is coming down the road.

I can say the same for the other nominees. There were many people considered even to be the new fire representative, legislation was created to have an MIS representative, and even Elenore, who has had major market television experience in New York and in Lowell, is joining us. We need these people for the type of stuff that we have coming up in the next year. We are very happy that Maurice agreed with the overtures made by the Mayor and the cable board members. This is probably the happiest appointment that we have had in the last 4-5 years.

Alderman Britton

I think Maurice, with his experience, will do a great job for the committee.

Elenore Rinaldi (New Appointment)  
37 Burnside Street  
Nashua, NH 03064

Term to Expire: December 31, 2002

Elenore Rinaldi, 37 Burnside Street

Although I am new to Nashua, I do have over 10 years' experience in radio and television. I did radio in Lowell, a little show called Joe & Casey, for about seven or eight years. I did work covering the hills for WPIX, Channel 11 New York for 1 ½ - 2 years. I have been in this business for a long time, and hope to add to the compliment of the people that you already have assembled to see what we can do to make the cable access easier and maybe even expanding some of the things that they have here.

Chair Tollner

With reference to the roll that you play on TV 13, could you tell the committee how that will play into your roll on the Cable Advisory Board, and whether there are any conflicts that you may be aware of.

Elenore Rinaldi

I am not aware of any right now. We do have a member presently on the Cable Advisory Board that is associated with Channel 13. I do a program there two nights a week. It is a public affairs show. If there were anything that came up I would have to excuse myself of voting on an issue that involved Channel 13. I think we are looking more here at the municipal channel with regard to getting the public access. I know Lowell has the Telecommunications Corporation who actually

train people on how to use the equipment. There are a lot of things maybe down the road that could be done, which really don't have much to do with Channel 13.

Alderman Britton

I noticed, on the second page, we have two other appointments to the Cable and Television Advisory Board that are basically representing city organizations, the fire rescue and MIS, Charlene Wolfe and Jim Pietrowski. How did you want to handle that?

Chair Britton

Jim will come forward. Please state what you think your participation on the Cable Advisory Committee will bring.

James Pietrowski (New Appointment)  
229 Main Street  
Nashua, NH 03061

Term to Expire: May 23, 2001

Jim Pietrowski, 9 Day Road, Swansea Center, NH

I am employed as the I.T. Director for the City of Nashua. I have attended a number of the meetings for the Cable Advisory Board since I have been employed here for about the last year and a half. I have been active in a lot of the cable advisory boards in a lot of other communities as well as my own. I would approach this having a technology bound perspective. A lot of the cable advisory boards consist of people of a non-technical background. As a lot of the boards are finding in the Western half of the states as well in Nashua, the board is being tasked with managing the information infrastructures of a lot of cities.

Right now it is not just the cable advisory and the franchise agreement. It is also Media One, getting into the phone service as well as looking at wireless applications. A lot of people that serve on the cable advisory board don't have the technical background or don't know if the information that they are being fed by the particular vendor that's coming wishing to do something. I think I bring a good technical background for the committee to be able to weigh through some of that information as do some of the other board members that have the TV background or a network area background, or fiber optics. That's my perspective as far as being on that because the committee is being tasked a lot more than it had originally ever been tasked with before. It needs to be able to grow, to be able to supervise, and make sure that the infrastructure is being looked at in the best interest of the organization.

Chair Tollner

Thank you very much. Moving on to the Ethic Awareness Committee, Sharron Rowlett please come forward, and tell the committee why you have an interest in serving on the Ethic Awareness Committee.

Ethnic Awareness Committee

Sharron Rowlett (New Appointment)  
114 Deerwood Drive  
Nashua, NH 03063

Term To Expire: December 31, 2000

Sharron Rowlett, 114 Deerwood Drive

As a Director of Multicultural Programs at Rivier College, my main concern is with the higher education of the minority population within a higher education community. My purpose for wanting to be a member of the committee is to bring some of those concerns to the front as well as to work with the community at large bringing programs whether via Rivier College and also Nashua Community or surrounding communities.

From the point of Rivier College, to be more involved in the community, where peace and social justice is actually the mission of the college, we would like to bring forth whatever information that we have to the community at large.

Alderman Britton

I had a chance to attend one of the meetings that Sharron attended, and briefed us at. I think she has excellent experience and background to add to the committee. I look forward to her service.

Chair Tollner

Thank you for coming tonight, and for your willingness to serve. You will probably come into contact with a number of different people that you might not have had the opportunity to already. Then you can bring the experience from your position to the group as well.

Sharron Rowlett

I will be more than happy to. Thanks for having me.

Chair Tollner

I will make a motion later on to re-appoint Edward Roach. We normally don't ask those people to come back unless a committee member has a specific request to re-interview someone who has already been a member of a committee or commission.

**Nashua City Planning Board**

William P. Slivinski (New Appointment)  
46 Berkeley Street  
Nashua, NH 03064

Term to Expire: March 31, 2003

William Slivinski, 46 Berkeley Street

I have been a resident of Nashua for about 5 ½ years, and a resident of New Hampshire for a little over 20 years.

Chair Tollner

Please take a moment, and let the committee know why you have an interest in serving on the Planning Board.

William Slivinski

I see this as an opportunity, given what my background skills are, to make a contribution back to the City of Nashua and its citizens. It is certainly the nicest city that I have lived in. I would like to keep it like that, and make whatever contribution I can in that area.

Chair Tollner

Have you had the opportunity to attend a Planning Board meeting or a Zoning Board meeting?

William Slivinski

I have not. Right after this interview I will be attending my first Planning Board meeting. I have had a few conversations with Mike Lowe which have provided me with a fairly good idea of what they do. I know that there is a lot of learning that is necessary. I am certainly willing to put the time, effort and energy into doing that.

Chair Tollner

Are you familiar with some of the situations with the Nashua Historic District Commission and their work?

William Slivinski

Vaguely yes. I have kept up to date as much as I can on the happenings by being an avid reader of the Nashua Telegraph.

Alderman Liamos

You mentioned that you wanted to capture some of your experience, and give it back to the city. Can you elaborate a little on your background?

William Slivinski

I am an engineer. I own my own business, and have been a successful businessman for a number of years. I am currently serving on the Board of Advisors at a major university on an expansion program, which I am very actively involved with. I am reviewing building plans and the funding of the programs, etc.

Alderman Liamos

One of the things that I am always interested in with planning is the integrity of the neighborhoods. Could I get your feel on neighborhoods relative to changing?

William Slivinski

You have to look at it on a case by case basis. You really are walking a line between people that don't want change and people who own things that may have every right to change it. I would have to look at it on a case by case basis. I believe everyone has rights. I would like to see builders or individuals respect the neighborhood. At the same time, I think the neighborhood has

to realize that property owners, builders, developers, etc. have certain rights also. I personally do not know any builders or developers. I am beholden to no one other than the City of Nashua and its citizens.

The only property I own in town is my house.

Chair Tollner

When you sat down with the Mayor's office did they give you an idea of how much time you would need to commit?

William Slivinski

I have a fairly good idea, yes.

Chair Tollner

Sometimes it can be quite a bit of time.

Alderman Dion

I want to thank Mr. Slivinski for volunteering on the Nashua City Planning Board. It will take a lot of time and dedication.

Chair Tollner

What we will do tonight is take a vote, someone will get in touch with you, and you will be sworn in at either a future BOA meeting or you can come and see the city attorney to be sworn in.

**Office of Corporation Counsel**

David R. Connell, Esquire  
11 Nottingham Road  
Deerfield, NH 03037

Term to Expire: Indefinite Term

Alderman Tollner

I spoke with the Mayor prior to tonight's meeting. He was on his way to another meeting. He sends his apologies. Mary Nelson is representing him tonight. I think it would be a good idea for Attorney Cliff Kinghorn to give the committee members and the public a brief summary of how we arrived at this candidate, and the process that the Mayor had used in selecting the new corporation council.

Attorney Kinghorn

The way the process worked was that the Mayor set up a committee of local lawyers, including myself and Alderman Bolton. The Mayor met with the committee to discuss the types of qualifications he was looking for. He informed us that he would very much like to have someone with a strong municipal law background as well as contract negotiations, which is an extremely important part of city corporation council's duties. We advertised for the position, the committee began meeting to go through the applications we received, approximately 30-40, applying the parameters the Mayor had set forth for us, and selected 16-18 candidates to be interviewed. We

interviewed those 16-18 candidates over a period of four days. Occasionally the Mayor would step in to take part in the process. The committee then came to a consensus on what we believed were the four most qualified candidates. The Mayor then interviewed the four most qualified candidates. I believe I was present for three of those interviews. After the interview process the Mayor had selected Attorney Connell to present to the board as a candidate for city corporation council.

I will tell you that, based upon the interview process and a number of people I spoke to both in the and outside of the legal profession, I think that Attorney Connell will be nothing but an asset to the City of Nashua, and I would urge the committee to confirm him. I also might add that I have a vested interest in the decision making process. My four-week period of serving as acting city corporation council ended up being almost 16 weeks, and I very much want to get back to the bench. I present to the committee for your consideration Attorney David Connell.

#### Alderman Tollner

David if you could give us a very brief version of some of the comments that you probably provided to the interview committee as your interest in serving as the corporation council of Nashua. I do think there is probably some interest on the Board of Aldermen's part in the areas such as Cliff mentioned on the contract negotiations, etc.

#### Attorney Connell

Thank you for the introduction Cliff. I have spent a majority of my legal career in municipal law. I began in Connecticut where I grew up and went to school. My first job out of law school was as an Assistant Town Attorney in Greenwich, which is a town of about 60,000 in the Southwest corner of Connecticut. That happened basically by chance as I had helped a professor in school who was writing a book on Connecticut zoning law and sent me on my way with a recommendation.

When I came to this state in 1980 my first job was as the City Attorney of Portsmouth. I was there for a couple of years and, at that point, I wanted to try private practice as well as move more towards the center of the state where my wife is happily employed in Manchester as an attorney. I knew that that is where we would be ending up. I moved to the Londonderry area. I had a number of associations there, and a solid practice over the years. I began to again build up a municipal law practice representing a number of the smaller towns. More recently, we have been representing the town of Londonderry, which is one of the larger towns in the state, which doesn't qualify as a city. It has a lot of the features that are equivalent to what a city experiences. It has a town council form of government for all except appropriations. It still has town meeting for its budget. The Portsmouth experience plus the Londonderry experience I believe suits me to pick up readily handling city affairs.

Personally I am at a stage where this would fit my desires. I would like to get back into full-time municipal law. I would like it to be with a top rate organization. I prefer that to what I saw as a narrowing private practice. Over the years I have been excluding various areas. At this point, I am either going to work with a large municipality exclusively or start a practice of municipal law. When the Nashua opportunity came I thought it would be a good match for me.

#### Aldermen Tollner

Could you touch on your experience in the negotiations?

Attorney Connell

When I was in Portsmouth, I participated in the negotiations, in what I think has a more limitation extent than is expected here. There the city manager took the lead in negotiations and he had a team in which the city attorney was one. Since then I have only occasionally brushed up against public sector labor law because most of the municipalities have specialized council and labor and negotiators. I expect that I would be able to brush up on that with some concentration in a hurry. I don't feel that I am going to have any problems in the other areas. I am very well up to date on a day-to-day basis with the planning and zoning, the tax law, the highway and public contract law, etc. I will not have trouble there I anticipate. Since there is such an interest in the contract negotiations I look forward to concentrating on that.

Alderman Tollner

In the positions that you held in the municipal sector ...

Attorney Connell

In the positions held in the municipal sector it was not exactly parallel. There it was a weak Mayor, council and a city manager. As it happened, the Mayor and council had all the administrative, executive and legislative powers so they gave us their marching orders from time to time for negotiations.

Alderman Tollner

I know my colleagues would like me to mention that the corporation council of course works at the pleasure of the Mayor but also supports the Board of Aldermen as well.

Attorney Connell

When asked, I have tried to lay out the model of the only way there is t the office is to regard the city itself as the client, of course, that's an abstraction, there are only human beings to deal with and the best way to serve is to let everybody know on an even footing what the law requires, permits and how the different agencies and officials can accomplish what they want to accomplish within those parameters, and that would be a model that I would try to adhere to.

Alderman Britton

In your cover letter, you mentioned that you have represented some parties with disputes with towns. Can you address that at a high level what some of the disputes were?

Attorney Connell

Planning and zoning disputes representing the developers. People with boundary highway disputes with municipalities, trying to establish that there is a reason to highway in a particular area. People pursuing tax abatements with municipalities.

Alderman Britton

So some good experience there that will help us. The making of presentations to continue legal education and other groups. That interests me. Who did you make these presentations to, and whom were you educating?

Attorney Connell

One sector is continuing legal education for attorneys ourselves who, each year, are required to have a certain amount of continuing education in the bar association. Certain private groups for profit put on seminars that are accredited. I have participated in panels on taxation law a few times for the National Business Institute for the bar association. I have been on panels for current use taxation. Most recently I was on a survey of developments in the law. I have also lectured to municipal officials through the municipal law. I lecture series on a couple of occasions. Do Regional Planning Association membership groups, etc.

Alderman Britton

I know you mentioned it briefly previously, but we have the Mayor's office, and his opinion on issues and his staff, we have the Aldermen and the Public at large. It's not easy sometimes to balance these interests. Could you cover that a little more in terms of how you would handle these different interests?

Attorney Connell

The official with whom you're dealing with at the moment and what expectation does that official have, be it the Mayor or a committee of the Aldermen or the Planning Director or the Zoning Board of Adjustment itself, what expectation do they have that you are going to be in confidence when you discuss things with them. I think it is important to know that at any given time whether what advise you're giving is going to stay in confidence or whether it is going to be available to any and all officials or even the public. The key there is setting up the pre-suppositions in advance of when things are confidential and when they are not. In terms of the interests that they're representing I would go back to my original model, which is the city itself is the client and, therefore, all citizens through the city, but through the city officials.

There is no way that the city attorney can be seen as representing individuals in the city. He can be seen as representing individual officials or boards. All I can say is that I will call them as I see them. That's the best way to get things done and keep people out of trouble. Inevitably there will be disagreements where one official is certain that he/she is right and someone else is wrong. All I can do is call it as I see it and let the chips fall.

Alderman Liamos

Thanks for sending the advance letter for your resume it gave me an opportunity to look at that. I just have a couple of questions more in terms of philosophies. We have around 2,000 city employees represented by 12 different unions with 16 different contracts. What is your approach to negotiation strategy? Win, win, winner take all? How do you approach negotiations?

Attorney Connell

The starting point is obviously to take direction from the responsible official, be that the Board of Aldermen itself or one of the other agencies. In dealing with ongoing negotiations, then of course human elements enter in and you want to reach an outcome that is beneficial for all. I don't think it is up to the corporation council to force his views on someone but it is up to me to give people the benefit of my not only legal knowledge but I think some experience into how human beings work in conflict situations and how they resolve conflicts. That is certainly a tool that I think is important for me to use to get to an outcome that people can be happy that they have reached.

Alderman Liamos

Are there any organizational conflicts of interest with your current position relative to your new position here as city attorney?

Attorney Connell

I have no present clients who have any dealings with the City of Nashua. As I mentioned briefly, my wife is a lawyer in Manchester, her firm is a relatively large firm; they may have dealing with Nashua from time to time. The way that is handled in our profession is that disclosure is made all around and people decide whether that potential conflict of interest is something to be concerned about. She and I have been married for 20 years. We handle it by never discussing the merits of anything that either of us is working on. We joke about personalities and situations but never the substance of anything.

Alderman Limas

Have you had the opportunity to speak to any members of the current legal department? Any of the deputies, attorneys or their support staff, and if so would you comment on the chemistry there and how you feel you would fit in?

Attorney Connell

I have met them on a couple of occasions, and was impressed with the way they work together. I have been told third hand that it is a good office, that people do their work well, and get along in the process, so I am looking forward to being part of that.

Alderman Liamos

Thank you very much.

Alderman Dion

First of all let me thank you for sending me your cover letter and resume. I did peruse it very intently. There is a section here that I have a couple of questions on. Former City attorney City of Portsmouth. For how long?

Attorney Connell

From 1980 to 1982.

Alderman Dion

This is after you transferred from Connecticut?

Attorney Connell

Right. That was the first job. Once I got the job I moved.

Alderman Dion

So you went from assistant to city council?

Attorney Connell

Yes. To compare the two situations, Grenich was quite a large town. We had a staff of four lawyers there. Portsmouth, at the time, had just the single city attorney.

Alderman Dion

You were all alone?

Attorney Connell

Yes.

Alderman Dion

Who did you have to answer to in Portsmouth?

Attorney Connell

There the city manager form of government prevailed so I, like all city employees, worked directly through the City Manager. The Planning Board and the Zoning Board of Adjustment had their own areas of jurisdiction so I worked directly with them as well, but in terms of the general functioning of the city was the City Manager.

Alderman Tollner

I hope you have had the opportunity to take a look at how cap is written. I'm sure that will take a lot of you attention over the next few years as we try to work through that. I welcome you and appreciate your interest in the city. Before we let you go do you have any questions of us?

Attorney Connell

I'm hoping that you will make a recommendation tonight so that it will be capable of being acted on at next week's Aldermen's meeting. That is really foremost in my mind.

Alderman Britton

I think we can take care of that. Thank you very much, both of you. I would like to thank Mary Nelson for making herself available on behalf of the Mayor's office tonight.

COMMUNICATIONS - None

APPLICATION TO LICENSE HAWKER'S, PEDDLER'S, ITINERANT VENDOR'S - None

APPOINTMENTS BY THE MAYOR

**Cable Television Advisory Board**

Maurice R. Parent (New Appointment)  
18 Raleigh Drive  
Nashua, NH 03062

Term to Expire: May 23, 20001

Elenore Rinaldi (New Appointment)  
37 Burnside Street  
Nashua, NH 03064

Term to Expire: December 31, 2002

*(Representing Nashua Fire Rescue)*  
Charlene Wolfe (New Appointment)  
229 Main Street  
Nashua, NH 03061

Term to Expire: May 23, 2001

*(Representing Management Information Services)*  
James Pietrowski (New Appointment)  
229 Main Street  
Nashua, NH 03061

Term to Expire: May 23, 2001

**MOTION BY ALDERMAN BRITTON TO RECOMMEND THE CONFIRMATION OF THE FOLLOWING INDIVIDUALS TO THE CABLE TELEVISION ADVISORY BOARD: MAURICE R. PARENT, CHARLENE WOLFE AND JAMES PIETROWSKI FOR TERMS TO EXPIRE MAY 23, 2001 AND ELENORE RINALDI FOR A TERM TO EXPIRE DECEMBER 31, 2002**

ON THE QUESTION

Tim Glenday

If I could add to that, the gentleman the Chief’s replacing, Richard Turgeon, is the only other person who ever held a job. So, we haven’t had to do this since 1983. Chief Navaroli nominated Charlene Wolfe to the Fire Commissioners. The Fire Commissioners did formally vote unanimously for her to be the new Cable Board representative, and that’s how the name was sent to Mayor Streeter.

**MOTION CARRIED**

Ethnic Awareness Committee

Sharron Rowlett (New Appointment)  
114 Deerwood Drive  
Nashua, NH 03063

Term To Expire: December 31, 2000

Edward Roach (Re-Appointment)  
18 Mulberry Street  
Nashua, NH 03060

Term to Expire: December 31, 2002

John Scruton (New Appointment)  
160 Meaderboro  
Rochester, NH 03867

Term to Expire: Indefinite

**MOTION BY ALDERMAN TOLLNER TO RECOMMEND CONFIRMATION OF THE FOLLOWING INDIVIDUALS TO THE ETHNIC AWARENESS COMMITTEE: SHARRON ROWLETT FOR A TERM TO EXPIRE DECEMBER 31, 2000, EDWARD ROACH FOR A TERM TO EXPIRE DECEMBER 31, 2002 AND JOHN SCRUTON FOR TO SERVE FOR AN INDEFINITE TERM  
MOTION CARRIED**

David Haney (New Appointment)  
40 Ridgewood Drive  
Bow, NH 03304

Term To Expire: December 31, 2001

Rep. Harvey Keye (New Appointment)  
19 Radcliffe Drive  
Nashua, NH 03062

Term to Expire: December 31, 2002

**MOTION BY ALDERMAN TOLLNER TO HOLD IN COMMITTEE THE APPOINTMENT OF DAVID HANEY AND REP. HARVEY KEYE  
MOTION CARRIED**

**Nashua City Planning Board**

Claire McGrath (Re-Appointment)  
19 Lojko Drive  
Nashua, NH 03062

Term to Expire: March 31, 2003

William P. Slivinski (New Appointment)  
46 Berkeley Street  
Nashua, NH 03064

Term to Expire: March 31, 2003

**MOTION BY ALDERMAN BRITTON TO RECOMMEND THE CONFIRMATION OF THE FOLLOWING INDIVIDUALS TO THE NASHUA CITY PLANNING BOARD FOR TERMS TO EXPIRE MARCH 31, 2003: CLAIRE MCGRATH AND WILLIAM P. SLIVINSKI  
MOTION CARRIED**

**Office of Corporation Counsel**

David R. Connell, Esquire  
11 Nottingham Road  
Deerfield, NH 03037

Term to Expire: Indefinite Term

**MOTION BY ALDERMAN TOLLNER TO RECOMMEND THE CONFIRMATION OF THE APPOINTMENT OF DAVID R. CONNELL TO THE OFFICE OF CORPORATION COUNSEL FOR AN INDEFINITE TERM  
MOTION CARRIED**

UNFINISHED BUSINESS - RESOLUTIONS - None

UNFINISHED BUSINESS - ORDINANCES - None

**MOTION BY ALDERMAN TOLLNER THAT THE RULES BE SO FAR SUSPENDED AS TO GO OUT OR ORDER TO CONSIDER O-00-25  
MOTION CARRIED**

NEW BUSINESS – ORDINANCES**O-00-25**

Endorser: Mayor Bernard A. Streeter

**INCREASING LANDFILL DISPOSAL FEES****MOTION BY ALDERMAN TOLLNER TO RECOMMEND FINAL PASSAGE**ON THE QUESTIONGeorge Crombie

Thank you for having us. Let me introduce David Fredette, our Business Manager, and Richard Reine, Superintendent of Solid Waste. I would like to give you an overview of where we are with the Solid Waste Department, and then have Rich Reine talk about the numbers.

Here's what we know about our solid waste facility and I'll try to describe what we don't know. There are a number of things that are coming into play at this time. One is that completion of the new line landfill will be completed later this year. The second item is capping which will begin on the old section of the landfill. It's approximately 45 acres. That will be coming into play. The third piece is how we reduce solid waste going into the landfill. We're looking at a number of items there from baling solid waste to increasing our recycling or looking at a number of options. A contract has just been let to do a business plan for our facility so that we can look at all of these pieces that are coming before us: collection, recycling, the new landfill, the capping and how all these integrate into a holistic solid waste program for the City of Nashua so that we can have a sense when we're completed what does this look like for the next 10 years in the city. What we'd like to do tonight is talk a little bit about what our revenues look like, what our expenses look like, and try to give some projections and rationale for the reason we're requesting an increase in the fee at this time.

Richard Reine

What I'd like to do is walk you through this quite complicated spreadsheet. I think at the end of this presentation it will be fairly simple to look at. What we've done is we've broken it into a 3 year projection starting in our fiscal year 2001 beginning in July and going to 2003. If you look at the first line item in the first column, we have our commercial MSW tipping fee. That's our solid waste tipping fee currently at \$50 a ton. Next, we have a \$70 tipping fee which is for our construction and demolition debris. Following that, we have a \$200 per ton fee which is asbestos. What we've done is taken our current ...put on all those items from our solid waste to C & D and asbestos and we've extended that out and we've come up with a current dollar figures, our current revenue projections. The portion on the top of this spreadsheet indicates our revenues. It's all in the green print. You can we have several other revenues which are part of our fiscal year 2001 budget and they are cover material tons, which we do get a revenue for, we have sludge disposal tons from the Wastewater Treatment Plant. We also have residential credit tons, which is a debt for our residential credit program. At the bottom of this, we'll see the green total, a total commercial trash and recycling revenue and that also includes our recycling revenue for the sale of recyclable products which is a projection. It comes up with \$3,459,433. Then we go to the bottom of this spreadsheet in fiscal year 2001 and we have our expenditures. Those expenditures are taken directly from the Mayor's recommended budget for fiscal year 2001. We have the 8,100 totals which are the landfill totals – any operations associated with the landfill. We have the 8200 totals which are the collection of trash, solid waste, and soft yard waste, and bulky items. We also have the 8400 which is the recycling program; 8300 totals \$257,575 at the administration portion

of our budget. The portion that you see outlined in blue is the bond and capital debt. For the 8500 account, it's \$1,812,182. Total departmental expenditures adding those up \$4,419,681. So as you can see, our delta between our expenditures and our revenues is -\$960,000 or almost \$1,000,000 at the current tipping fee of \$50. What we've then done is a sensitivity analysis on fiscal year 2001, 2002, and 2003 with certain projections on certain costs rising. You can see some of the significant changes that we have are in the debt portion, the blue outlined portion, as well as we have increases in labor, not number of personnel but increases as far as pay increases through the contract that's set. We also look at some increases in pensions and fixed expenditures in the 8500 account. As you can see, if we have an \$80 tipping fee, which is on commercial solid waste, a \$90 tipping fee on construction demolition debris, and a \$200 tipping fee on the asbestos that we do take into the landfill. We have a \$573,000 surplus. A little over a half a million dollars. Then what we've done is we've taken that surplus and put into our fiscal year 2002 budget to see what our deficit would be with additional debt service that comes into play at that point in time and additional costs that we do anticipate in fiscal year 2002.

Alderman Tollner

I have a couple simple questions. On the first column the FY2000 budget, when we look at the different division like landfill 8100 and the trash 8200, where you have total payroll, that is the total payroll for only those employees that do say in 8200

Richard Reine

That's correct.

Alderman Tollner

So the payroll to collect the garbage for staff is \$774,000?

Richard Reine

That's correct.

Alderman Tollner

For the year 2001 budget we're projecting a deficit as you have here close to \$1,000,000?

Richard Reine

That's at the current \$50 tipping fee, keep in mind.

Alderman Tollner

Right. It's explained by if we look at the costs of the 2 loans – loan 1 and 2 which would total about \$723,000, and the one thing that the public should realize is in the past we haven't always had citywide recycling. So that was another additional program that the city has implemented over the last few years. Those 3 factors alone could get us to that deficit from an operating perspective, without doing anything else let alone the other items that you have here.

Richard Reine

What we have to look is also the benefit of what recycling provides to the city.

Alderman Tollner

I understand. It is a line item budget cost that we did not have before.

Richard Reine

Yes, that's correct. Then what we've done, we set an \$80 tipping for fiscal year 2001 and we're able to come up with half a million or better than a half a million surplus. If we apply that surplus in fiscal year 2002 with the anticipated costs that we'll be incurring in 2002, we still see that we have a \$730,000 deficit. That was also for additional debt, additional increases in payroll, and other costs that we anticipate. If we were to try and balance that 2002 budget with the current volumes that we are getting on trash and C & D construction demolition debris and asbestos and the anticipated volumes of sludge material and cover materials, we'd be looking at a \$96.22 tipping fee. Obviously, that rate is what we feel is higher than what the market would bear in this area. We do have some situations we need to look at and need to be addressed. That's why we're coming to this committee and looking for increase in the range on our tipping fees. Any questions?

Alderman Liamos

I just want to try and capture that thought you said about what you feel the market would bear. How does that compare? Would you run that trap line out for me to explain that statement?

George Crombie

Richard is going to hand out a copy of rates in New Hampshire. Let me try to give you a sense of what that looks like. We're really competing in a northeast corridor type rate structure for rates. When people look at solid waste, they move it all over the place. They move into Pennsylvania, New Jersey, New York, Massachusetts, Vermont. To things they look at. They look at the tipping fees and they look at the transportation cost and they add those two together to determine where the best place is to take tonnage. It's not uncommon to haul solid waste to different states. With the interstate commerce laws, individuals have that right. You can move trash from state to state. The rate that we're proposing here, the \$80, is what we would view as on the top edge what we might think we can get in this area. The reason we think we can get \$80, and if you look at the handout that was laid out, a number of those rates were lower or very close, is that there is a hauling cost if you haul the trash out of Nashua. So there is a price for that that goes somewhere between \$15 to \$25 a ton. With the fuel costs that have just taken place in the last 6 months, then that's conducive for people to keep the waste here. We think that we would like to test the market at \$80 a ton. We'll find out very quickly within the next year whether or not the market will bear that or whether we'll have to go down or whether we have the opportunity to go up with that rate.

Alderman Liamos

Mr. Crombie, do we only receive or only process trash from the City of Nashua? Is that correct?

George Crombie

That's correct.

Alderman Britton

I want to thank you for your analysis from your department. It is very thorough. One question is, you talked about it briefly, the increase of fee versus the potential loss of business. I'm sure you're concerned about that as well. Just a little more of your thoughts on that. I know by doing this comparison, I think that's helpful. I notice we only have one city here. Rochester has been mentioned in 5 different times. Wheelabrator was also mentioned.

Richard Reine

There's certainly a reason why we mention Rochester. Rochester is where the waste management turn key landfill is located. Between waste management and the Wheelabrator facility north of Concord, Penacook, those are really the only two alternatives that people have for solid waste disposal commercially. That's why those 2 locations have been mentioned extensively on this sheet.

Alderman Britton

I was not aware of the significance of these operations. Now it makes more sense. Basically, we'll be charging a little less than some and more than others. This is part of your comparison. If these fees are approved, when would they go into effect?

George Crombie

We would hope to put them into effect no later than July 1<sup>st</sup>. That would be our target date. It would have to be approved by the total board, then it would have to go back to the Public Works Committee for recommendation and approval, and then we would have to give some time to put the rate into effect. It's the 1<sup>st</sup> of May now. By the time we go through that notification process, we'd like to get it in by July 1<sup>st</sup>.

Alderman Britton

So, the Public Works Commissioners have not approved these proposed rate increases yet?

George Crombie

Yes they have. They've approved the range.

Alderman Tollner

They're asking for a range so that they will not have to come back if we find ourselves in a competitive advantage or disadvantage. What we're approving here would be a range that they could set the rates or adjust the rates as they deem necessary. Correct?

George Crombie

Yes.

Alderman Britton

I do see the ranges here. They are part of the ordinance which helps us. How have we advertised these requested increases in fees so that our users are aware of what we're trying to do?

Richard Reine

We haven't advertised the intention of this officially to increase the range. When we do increase the range and we get approval from the full Board and this committee, that's when we would make the advertisements.

David Fredette

To answer Alderman Britton's question, there was a front page story in The Telegraph about a month ago on the whole thing – very detailed. Also, Corene did put something in the paper on Monday showing this was going to be discussed tonight at the Committee meeting and had the ranges and so forth.

Alderman Britton

I was just wondering if he had user input, word of mouth, etc. I noticed that with the proposed increases that you do show a profit in fiscal 2001, then we're back to a negative number in 2002 and 2003. What do you anticipate to happen in 2002, 2003 – may look to raise fees again?

George Crombie

There's two or things that could take place at time. One is that we've asked for a surplus this year that would help draw down next year. But, the other reason we put it in there is if we misplaced the market and our revenues are lower, then we have some opportunity there. By looking out, if you look out in FY 2002 and 2003, you can see very readily that there's a significant gap there. Two other pieces of information we will have is we'll know what the market is very clearly. The second thing is we're doing a comprehensive business plan to look at a number of options on how we manage our solid waste in the community. The third thing is that we may find that we are not able to raise our rate any higher than what we're proposing at this time. We're going to be in a position where we're going to have a deficit that needs to be made up somehow. It could be anything from selling space to an appropriation from the general fund or some other option. One of the things that is unique with our solid waste system here is that the commercial solid waste in the city, as you see it here and now, subsidizes all of our collection as well as disposal of residential trash in the city and there's zero dollars coming from the general fund at this time.

Alderman Dion

I'm looking at the total annual surplus deficit, the very bottom. In 2001 we show a deficit of \$960,000. In 2001 with the increase of \$30 in tipping fees we are now plus half a million, \$573,000. But then in 2002 after we've had half a million the year before, we now have a deficit of \$730. Then if you go to the following year which is 2003, you're almost \$1,500,000. If you take all these expenditures and look at the deficits, you'll see that you come up with about \$2,500,000 in deficit even after the increase of the tipping fees.

Alderman Tollner

I think the one explanation I was looking at here, is that the total cost – under recycling 8400 – that new baling system it's \$775,000?

Richard Reine

The \$775,000 that you see there is a number which has been presented to this Board before or the full Board of Aldermen for baler operating and capital costs for a solid waste baling facility/recycling as part of that.

Alderman Tollner

And how long do you anticipate? We're looking here FY 2002, 2003. What do you project? Do you have any idea for 2004, 2005? What does that number look like in the years beyond the 2000.

Richard Reine

That's going to jump in 2004 because if you look at the closure bond for the landfill it's about \$100,000 that's going to kick in probably in 2004. That could be an additional \$800,000 a year.

Alderman Tollner

I'm looking at, and tell me if I'm wrong, some of the big items here from 2001 moving to 2002, 2003, the items that jump out at me are the baler and operating capital costs. Then the second loan on the new landfill jumps from \$403,000 to \$806,000. I'm just looking at the big picture items where maybe you could respond to Alderman Dion's question. You're going to get the big nuts that will increase the...the bottom line in this case – flip a positive into a deficit.

Richard Reine

If comes out this way. If you look at what the city is doing is going from what I call the old school of solid waste to the new school. The old school was you basically dumped and ran. It wasn't a lined landfill; you didn't have the controls (inaudible). You weren't capping your old landfills, and if you were capping, you were doing them very differently than what you're doing today. The things that have really changed significantly, if you look at this budget, is one – your spending significant dollars for capping a landfill, 45 acres. The second thing is you're paying off a new state of the art landfill and operating. When you look at the expenditures here, you look at the blue expenditures, what's happening is those investments are now kicking in. The bonds are now kicking in.

Alderman Dion

Pay me now or pay me later.

Richard Reine

That's exactly right. And that's what's happening.

Alderman Tollner

We've borrowed some before and now we're paying.

Richard Reine

If you look at our \$50 rate, that rate probably in the last 4 to 5 years could have easily been 60 – 75 without any kind of question.

Alderman Britton

I think it's important to point out that in the past we've almost always had a negative balance between tipping fees and revenues at the landfill compared to expenditures. The last couple of years its been break even or make some money. In the long run, would the increase in what we're doing in closing the landfill and some of the technology that's being implemented, we will see some negative balances? We'll be back to using appropriations to cover the difference unless we can raise fees to make up some of that.

Alderman Liamos

A question on the analysis. You have constant trash, commercial tons, constants – you've straight lined all of the – you don't have any peaks or valleys. I'm not picking on that. Based on your history, does your history support this straight lined approach?

Richard Reine

We've looked a little bit at the growth and looked at the Master Plan in the city to see what our population growth would be. You'll see some slight increases in trash and accumulation of trash, but we also are looking at increases in recycling. By pulling our recyclables out of that landfill through innovative techniques and technology that we're moving toward. So, there's a lot of variables in that depending on where we go with our tipping fee if we'll see a decrease in tonnage coming in. I didn't feel comfortable at putting any real hard projections on increases and tonnage on that.

Alderman Liamos

I am to understand in the State of New Hampshire that we have ourselves and these other two facilities are the only operation landfills in the State?

Richard Reine

There's some very small unlined landfills. There's one out in Kingston. As far as anything of significant Turnkey which is Rochester, the Concord Cooperative, Penacook, and the City of Nashua are the significant landfills within the State.

Alderman Liamos

And the new lined landfill has an estimated life expectancy of how many years?

Richard Reine

There's three phases and potentially a four phase which is the overlap phase 1 which is nearing completion right now. It's right around 8 years. Phase 2 and Phase 3 as well as the overlap at current fill rates – we're looking at somewhere over 30 years or in that range depending on fill rates.

Alderman Liamos

So you have a pretty good asset sitting there?

Richard Reine

Yes.

Alderman Tollner

On the sludge disposal, didn't we reduce the amount of sludge that we were delivering to the...this number here is a reduced number?

Richard Reine

That's a reduced number.

Alderman Britton

I believe the Board of Aldermen recently approved some monies for a study to be performed on the landfill operations. I think that in itself from what we've been briefed is going to be very beneficial to the city looking at many of the options and productivity improvements. I think my own personal opinion is we need to give the department a chance to at least break even. In this case with the increased fees with these ranges that we talked about and proposed fee, they are at least going to turn a projected profit in 2001 with the increased fees. Maybe by then, we may be able to come up with some other creative ways to help with some potential losses in the long run. Will this item be briefed Saturday morning. There is a meeting that you want us to attend. This will be briefed and I understand, and Monday night, as far as your presentation before the budget committee.

Alderman Tollner

Is there a rush for us to get this before the Board and vote it on before the Tuesday night Board of Aldermen meeting, because here it is Thursday. We'd have to pull it. Why don't you talk about it and if it is, you can get in touch with me and we talk about it on Saturday.

David Fredette

We had discussed that, I thought, George was comfortable with May 23 would be the night that you have your minutes.

Alderman Tollner

Fine, I just wanted to make sure.

**MOTION CARRIED****MOTION BY ALDERMAN TOLLNER TO RETURN TO THE REGULAR ORDER OF BUSINESS  
MOTION CARRIED**NEW BUSINESS – RESOLUTIONS**R-00-55**

Endorser: Alderman Marc W. Plamondon

**DESIGNATING A NAME FOR THE NEW RAIL TRAIL RUNNING PARALLEL TO WEST  
HOLLIS STREET, BETWEEN MAIN STREET AND WILL STREET****MOTION BY ALDERMAN TOLLNER TO HOLD R-00-55 IN COMMITTEE**ON THE QUESTIONRoger Hawk

I just wanted to give an introduction to this. Alderman Plamondon would have been here this evening, but he is out of town on business and he asked Allan and I to come and do a brief presentation. As you know, the trail is what I call the hard part of the trail was just completed this week. They finished the brick work up on the front corner of City Hall. We have a contract award for the landscaping which we expect to be completed by the end of June. We are hoping to have everything in place for an official opening and name designating ceremony once the landscaping is finished. There is some urgency to the naming of this trail. Alderman Plamondon and I discussed just the idea of presenting some of these names and the philosophy behind what we had been taking about for many many months in terms of the naming of this trail. With regard to Mr. Fredette's comments, I think the choice of this trail name is ultimately up to the Board of Aldermen. Certainly, the Board of Public Works can and should weigh into that decision, I guess this gets back to the jurisdictional debate that crops up periodically about when does a park become a park. I guess I'll defer to Corporation Counsel's office on that one. It's always been my understanding that a park becomes a park when the Board of Aldermen says it becomes a park. I'll leave that as it is. The names that you have on the resolution, and the reason we chose to word it in the way it is, is because it still is very much an open question. The concepts go all the way from naming something for individuals that have played an important role in this community. Also, the naming of the trail for historic events. One of the simpler ones that came up early on was the Nashua Worcester Rail Trail because that, in fact, it was the Nashua Worcester railroad. The bed on which the trail is now built. Then ranging from other names of famous people such as Jack Kerouac, the Mills, and Foundries Trail, which picks up on the theme of the foundries that existed along the trail. Even the Nashua Valley Trail picking up on the concept that this railroad really follows the Nashua river valley. The list goes on and on. I think the important thing from our perspective is that we come up with a name that is as fitting of the...something to do with the history of this community or a connection to its functional use. Also, I think as we have talked about this the idea of having a name that is somewhat general in nature so that we can then install interpretive signage along the length of the trail. Maybe not all at once, probably certainly not all at once, in fact, but rather over a period of time provide interpretive markers along the length of the trail for various important individuals in Nashua's past or events that may not even have taken place yet. This trail, we hope, will be there for many many generations. I think giving it a broad name that is descriptive of its history would be appropriate because then, as I said, we have the opportunity to put lots of other features in that that play up on the community's history. Alderman Plamondon asked if the committee wanted to begin discussion on this this evening and then he was perfectly happy to come to the next believe and enter his thoughts into the

committee's discussion. Really, tonight is just an attempt to begin the dialog and set a framework for discussion.

Alderman Tollner

Are we not intending now to go through the slide show. We'll pick it up at another. I agree with you. I've gotten a number of inquiries on naming it after individuals, but I think if we want to express the intent and what it's all about – I think you said Nashua Worcester.

Roger Hawk

Well that was one name that was suggested certainly.

Alderman Tollner

What some people have brought to my attention might be a good idea is along the trail where there are intersections, we can recognize, as you mentioned, the different individuals that have made a difference over the years in the City of Nashua. At the first intersection, we can name it the Kerouac intersection or square, whatever we want to do. There are a number of inquiries. I think this board got on Max Silber who has generated a tremendous amount of good will and effort that he's provided the City. He was citizen of the year a number of years ago. We can designate those names at the different cross sections or stops along the trail and keep the name that would express what the trail was and what it is all about – going forward. I think it's a good compromise because we're going to get a number of names of individuals that...it's going to be difficult for this board to decide jeez who gave more to the city – was it this gentlemen or was it this woman, etc. You'll have some flexibility to a put a number of names on there while keeping, like you said, the name that would give perspective of the trail itself. I think that's a great idea that you've brought up, and I hope this committee would try to consider that. I don't know, after having the opportunity to say that, I don't know how much conversation we want to have as a committee now that I've gotten my comments in. I'd like to give Alderman Plamondon an opportunity to have a discussion with this committee and if any of the other members want to add anything, they should feel free now. Maybe we'll take it up and we'll have public comment at the next meeting and get people's opinions. I know if he comes to one more Board of Aldermen meeting with a list of names, I think we're going to name the trail right there and then on the spot. Does the committee agree with that?

Alderman Dion

Well, I received a number of communications and I've known this man, Max Silber, and I know all the good he's done for the youth as far as the Boy Scouts, Eagle Scouts, and various committees that he's served on – Citizen of the Year. I feel as though this gentleman deserves to have his name on that trail.

Roger Hawk

Not on the naming specifically but on the timing, just to reiterate this point. We need probably 3 to 4 weeks to get some signage made up. I guess take as long as you need to do this, but I was hopeful that we could get the signage up for the trail and get the landscaping done and have an opening celebration for the whole trail. The longer you delay this, and I'm not suggesting you act tonight, but be mindful that we need some time to produce signage once the name has been decided upon.

Alderman Tollner

Do you know how many individual's names that we've received as proposed names for the trail?

Roger Hawk

The entire list is included in the resolution. We broke it out into two groups – ones that Alderman Plamondon and some other people felt were most appropriate. I believe all of the names that have been suggested are included in the resolution.

Alderman Britton

May I make a point of clarification. There are about 28 names listed on the resolution and there are 9 that are recommended more highly than others.

Alderman Tollner

The next question I have for you Roger, how many intersections would you think ballpark that are in the trail?

Roger Hawk

I'd have to add them up. I'd say there are probably about 10 or 12.

Alderman Tollner

When was your target working with Allen that you wanted to have the landscaping completed and signage and a ceremony to officially open it up?

Roger Hawk

We were shooting for the end of June. Whether that falls over into the 4<sup>th</sup> of July weekend or mid July, I don't think that's all that critical but we felt it was important to have the grand opening ceremony shortly after the landscaping is complete. According to the contractor that was just agreed to by Finance Committee, it's a 45 day contract. We are looking at having that executed no later than the middle of this month. We are looking around the end of June.

Alderman Tollner

Maybe people coming to our next committee meeting if we gave them some sense of direction on where we wanted to start from at the next meeting...maybe like you suggested, again I'll go back and give it the name the Nashua Worcester Trail and then as Alderman Britton said, there are 9 prominent names. It'll give us the opportunity to recognize the great contributions of 9 individuals instead of 1. I think we can maybe at our next meeting start from there and we can change that if we want, but people coming to the meeting can start with that understanding and we can get something done at our next meeting. Just for the public's information, I think we'd be willing to accept public comment for recommendations. I would like those recommendations to compliment the names that we've already received because a lot of work has gone into that already, and it's been a lengthy process between your staff, Alderman Plamondon, and the Board of Aldermen.

Alderman Britton

Of the 9 names suggested that we use, only 1 of them has a name of a person – Kerouac Heritage Trail. The rest have to do with the city's history like Gate City Path, Gate City Trail, Iron and Steel Rail Trail, Mills and Foundry Trail, Nashua Heritage Rail Trail, Nashua Valley Trail, Nashua Worcester Rail Trail and Primary Trail. There are a lot of other ones. The other 19 or so have a lot of names associated with them. I guess the idea would be, at the next meeting, that we would try to make a decision on this name and recommend that to the full Board.

Alderman Tollner

Maybe in the meantime, Roger, you could find out how many intersections there are. It's a pretty extensive project that we've been working on a number of years. I personally don't have any problems. As a matter of fact, I would recommend that at the intersections we could have a sign recognizing whether it be an individual, Alderman Britton, or a historical piece that would express something about the trail. Just for everybody's information, Alderman Plamondon had gotten a letter from Jack Atkinson, whose the president of Bronzecraft as well. Hopefully I will try and speak with The Telegraph. Corene called me today to say she couldn't make this meeting and asked if could give her a ring in the morning. Maybe we can generate some interest through The Telegraph and let people know that at the next Personnel meeting we'll be accepting public comment and we can wrap the name game up.

I apologize to Allen for keeping him waiting. My problem with the slide show is that I was not aware that we were going to have a slide show. I had made some commitments to some individuals that were being interviewed that we would try to get them in and get them out first. Also, I had met previously with Mr. Crombie and Mr. Fredette and said I understood the length and depth of their presentation too. If this would have been at another night, we would have been able to jump into the presentation a little earlier.

**MOTION CARRIED****O-00-27**

Endorsers: Mayor Bernard A. Streeter  
Alderman James R. Tollner

**AMENDING THE INSURANCE REQUIREMENTS FOR THEATERS AND SHOWS****MOTION BY ALDERMAN TOLLNER TO RECOMMEND FINAL PASSAGE**ON THE QUESTIONPaul Bergeron

This proposed ordinance has its history beginning last fall when late November we introduced the ordinance to the Board. It was drafted in consultation with Corporate Counsel, the Risk Manager, and City Clerk's office. Unfortunately because of its late introduction, the Board didn't have an opportunity to act on and we've introduced it this session. The current ordinance lumps all shows, circuses, carnivals and concerts together in the licensing provisions of the code of ordinances and it requires that all of those activities have a \$3,000,000 general combined single limit insurance coverage. The situations we've run into is that certain concerts or shows being held at Elm Street Jr. High in the auditorium fall within this definition and therefore we have to require that they get the \$3,000,000 coverage. The school department, however, only requires \$2,000,000 for this type of activity and the premium cost for the difference between the \$2,000,000 and \$3,000,000 coverage

is approximately \$750.00. This first came to our office's attention last November when the Senior Citizens were planning an event. The big time for shows at Elm Street Jr. High for activities other than for school activities tend to be the holiday season and now we're coming up on that again. So the intent of the new language is simply to allow Risk Management to have some discretion. We're still able to get at least the \$3,000,000 coverage, perhaps even more, if there's a circus coming into town or someone wanted to do pyrotechnics inside the auditorium or something like that. On the other hand, the Risk Manager would be able to allow these shows that come into Elm Street Jr. High to just satisfy the school's requirements and we can issue the license through the City Clerk's office for that event. In a nutshell, that's the purpose behind the ordinance.

Alderman Tollner

That's pretty much the way she explained it to me too.

Alderman Dion

Mr. Bergeron, I received a phone call from Deputy City Counsel Bennett pertaining to the Actor Singers going to the Elm Street Jr. High, and he said under the new ordinances a certain part of the ordinances it would have to post a \$3,000,000 insurance bond. Under the school department, you said \$2,000,000 but I read \$1,000,000. The school department requires \$1,000,000 which also complies with the insurance amounts required by Sec. 4-58. He told me that he tried to get a hold of the Chairman of the committee, Alderman Tollner, and that he couldn't get a hold of him and that's why he called me. Am I correct here in correcting that \$2,000,000 to \$1,000,000 that the school department requires?

Paul Bergeron

It was my understanding it was \$2,000,000. If it is \$1,000,000, again, the new proposed ordinance would allow the Risk Manager to follow whatever standard was set by the schools for the school property. I really thought it was \$2,000,000 for the Elm Street Jr. High auditorium.

Alderman Dion

The discussion I had with him on the phone he said the school department asked for \$1,000,000. According to what I'm reading here, it says \$1,000,000 also.

Paul Bergeron

The City Clerk's office would be fine with that. The nice thing about the new ordinance that former Corporation Counsel developed is that it allows some discretion if the school were to say for this show you need a million or for this show you need two. Depending on the type of show, we could just conform to whatever our standards were being set by that agency.

Alderman Dion

I understand what you mean by insurance bond for circuses, coming to town carnivals, the risks involved with the ride, etc. concerts outside, rioting who knows what's going to happen at these things. So, for the Actor Singers who are dedicated people, city people most of them, that are going to the Elm Street Jr. High, I can't see burdening them with a \$3,000,000 bond instead of a \$1,000,000 that the school requires. That's all I'm saying.

Paul Bergeron

We agree wholeheartedly.

Alderman Dion

You agree with that?

Paul Bergeron

It's much too high a limitation currently.

**MOTION CARRIED**

**O-00-29**

Endorsers: Alderman-at-Large James R. Tollner  
Alderman Lori Cardin  
Alderman Kevin Gage

**AMENDING THE 1997 NFPA 1 FIRE PREVENTION CODE BY ADDING A PROVISION FOR ASSEMBLY OCCUPANCY PERMITS**

**MOTION BY ALDERMAN TOLLNER TO RECOMMEND FINAL PASSAGE**

ON THE QUESTION

Michael Vaccaro

I live at 4 Lockmere Lane in Nashua. I am the Fire Marshall for the City of Nashua. The reason for this ordinance is to update the local fire prevention code. In 1998, an ordinance updated the code to the 1997 National Fire Protection Association Fire Prevention Code. The former code was about 10 years old, a 1987 BOCA fire prevention code. Inadvertently in the adoption of this, we did not realize that there was no provision – there's permitting provisions in both codes, the old and the new – and there is no permitting provisions for public places of assembly in the new fire prevention code that was adopting in 1998. We had been doing this permitting process for many years. It was an oversight and we had an incident involving illegal use of pyrotechnics and we went to pull the permit because of that – it's quite a serious offense, and we had to resort to using the State RSAs which makes it more difficult. We lose local control. We don't have the fines that you can levy are significantly more locally - \$1,000 per offense versus \$100. We don't tend to that, but we like to have some more teeth. We also lose our revenue stream, which is not significant, but nonetheless we do lose it. We just want to add public places of assembly to the list of permits that we issue.

**MOTION CARRIED**

HELD IN COMMITTEE

Ordinances**O-00-06**

Endorser: Alderman Frederick Britton

**SETTING A MAXIMUM RATE FOR TOWING WITHOUT THE PRIOR CONSENT OR  
AUTHORIZATION OF THE OWNER OR OPERATOR OF THE MOTOR VEHICLE**

We have Gerry Joyce here from the Traffic Department. I just wanted to update the committee on the progress that's been made on O-00-06 which is held in committee. I don't think we're ready to act on it tonight because you've just gotten this in your package this evening the change to the ordinance. I would like to update you. Gerry would you please come up here and bring with you the larger proposed sign. I have, since we last met, I've met and discussed with Captain Jim Mulligan at the Police Department, with Rod McIntyre the president of the Nashua Towing and Recovery Association, with Gerry Joyce, Chris Bibbo, and with Attorney Bennett. I met with Attorney Bennett two days ago for about 1 hour. I think we have the ordinance in much better shape. I do want to talk to Alderman McCarthy about it. Jim you mentioned that he previously had some comments about it. Basically, just to update you on the changes that we've made so far consulting with these parties, we've decided that the rate we should charge that anybody that's not part of the Nashua Towing Association that they would let them charge the actual city rates themselves. If everybody else is abiding by city rates why shouldn't those that are not part of the agreement abide by them as well. Plus other fees that are in there like storage, any special handling fees. They are all listed in the current agreement. In addition, we've talked about the size of the sign which we think it should be 18 X 24 which is prominent. The wording on the sign, which we can show for you, which Gerry has done some work on here, "Customer parking only. Vehicles will be towed at owner's risk and expense. For towing information contact the Nashua Police Department". We think that this proposed sign tells you it's customer parking only, that it will be towed at owner's risk. There is always risk involved because of damage to the car and expense. The expense is covered by the contract and its stipulations, then a contact number for the police department to find out where your car is. They are required to keep a log of that. Gerry's been very helpful on that area in getting this for us because we actually had him change in mid stream. We'd like to pass that around for the committee to look at. Then there is a violation section that's talked about. The violation section can run as much as \$1,000 for violating the ordinance itself and the provisions of it. I think with committee's approval, we'll give you some time to look at it and at the next meeting I'll try to move it forward. We've had input from all the key players. This will give the committee a little more time to look at it. I can make sure that the wording actually agrees with what's on the sign. Just a little clean-up work, talk to a few more people, and I think we'll be ready to move it forward.

Alderman Tollner

That will be great. Gerry, thanks very much for you help on this. This has been a mission of Alderman Britton's. I don't think I was shaving when he first started this mission on this towing. This maybe older than the rail trail. Alderman Britton, the one thing I probably would do is make sure you call the towing associations so they know. It looks like we're ready to vote on it.

Alderman Britton

Yes, they are aware of it. I've worked with Rod McIntyre. Actually, what I want to do is forward him and Captain Mulligan and Chris Bibbo, and speak to Brian McCarthy as well, forward them a copy of the revised ordinance.

Alderman Tollner

At the bottom of my papers there was a note that Attorney Kinghorn wanted us to interview David first, which I didn't see, and they are now gone. I apologize for that. Also, that David Haney had a conflict and he did communicate to the office that he would not be able to attend tonight but that he would be able to attend in June. I just wanted to make sure the record stated that.

Alderman Britton

I just wanted to thank, for 4 years I've worked with Gerry Joyce as a ward alderman, while he's here I'd like a chance to thank him for his hard work and working with signs, and helping us in our ward taking care of traffic business.

Gerry Joyce

A little nervous.

Alderman Tollner

I made a phone call probably two weeks ago about 10:30 in the morning and I spoke with him about some neighbors who wanted some slow children signs in their neighborhood as well as try to repaint the lines that would be placed in front of stop signs. Much to my shock when I was driving home from work that very night, not only were the signs up but the lines were painted in the street that very day before I even got home. I can't tell you that night I also got 3 phone calls from the people that I had met with just the day before. They were amazed with the pull that I had in the City. I really don't have that much pull. I was fortunate to have an opportunity to talk to you and I appreciate what you did.

Gerry Joyce

I want to thank the employees that work with me too. They are out there doing their job.

Alderman Tollner

Those signs and those lines were painted and done quicker than if I ordered a pizza. So I thank you.

ADJOURNMENT

**MOTION BY ALDERMAN DION THAT THE PERSONNEL/ ADMINISTRATIVE AFFAIRS  
COMMITTEE MEETING OF MAY 4, 2000 BE ADJOURNED  
MOTION CARRIED**

The meeting was declared closed at 8:50 p.m.

Alderman Stephen C. Liamos  
Committee Clerk